

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 04-55001

ROY A. MEISTER,  
and  
MICHELE A. MEISTER,

Chapter 7

Judge Thomas J. Tucker

Debtors.

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**ORDER REQUIRING SUPPLEMENTATION OF  
DEBTORS' MOTION FOR REDEMPTION**

This case is before the Court on Debtors' motion entitled "Motion for Redemption Under 11 U.S.C. § 722" (Docket # 61, the "Motion"). The Motion seeks an order allowing Debtors to redeem a 2002 Ford Escort for \$0.00. Debtors filed a certificate of no response indicating that no one had filed objections to the Motion. Upon review of the Motion, the Court concludes that it cannot grant the Motion without further information.

This case was recently converted from Chapter 13 to Chapter 7. Debtors' Chapter 13 Plan (Docket # 24), which was confirmed on August 26, 2004 (*see* "Order Confirming Plan" (Docket # 26)), established (on page 2, in Class Five of the Plan) a market value of \$8,000.00 for the 2002 Ford Escort.

The version of 11 U.S.C. § 348(f)(1)(B) that was in effect before the enactment of the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2005" ("BAPCPA") applies in this case, because this case was filed before October 17, 2005. That pre-BAPCPA section provides, with exceptions not applicable here, that:

when a case under chapter 13 of this title is converted to a case under another chapter under this title . . . valuations of property and of allowed secured claims in the chapter 13 case shall apply, with allowed secured claims reduced to the extent that they have

been paid in accordance with the chapter 13 plan[.]

Therefore, in order to redeem the 2002 Ford Escort in this case, Debtors must pay the secured creditor \$8,000.00, less any payments made to this creditor under the confirmed Chapter 13 Plan.

Because the Chapter 13 Trustee has not yet filed a Final Report, the record does not show how much of the \$8,000.00 value the creditor was paid under the Chapter 13 Plan. Accordingly,

IT IS ORDERED that no later than **October 14, 2009**, Debtors must file a supplement to their Motion, showing how much the secured creditor was paid under the confirmed Chapter 13 Plan. If Debtors still wish to redeem the vehicle, Debtors may submit a proposed order that permits Debtors to redeem the 2002 Ford Escort by paying an amount that is calculated in accordance with this Order.

**Signed on October 07, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**